

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 5:11-cr-00038

HUGHIE ELBERT STOVER,

Defendant.

**DEFENDANT'S RESPONSE TO THE UNITED STATES OF AMERICA'S
REQUEST FOR RECIPROCAL DISCOVERY**

Pursuant to Local Rule of Criminal Procedure 16.1 (b), the Defendant, Hughie Elbert Stover, responds to the United States of America's reciprocal discovery request pursuant to Federal Rule of Criminal Procedure 16(b)(1) as follows:

Request No. 1: Disclose for inspection, copying or photograph books, papers documents, data, photographs, tangible objects, buildings or places, or copies or portions of any of these items if:

- i. the item is within the defendant's possession, custody, or control; and
- ii. the defendant intends to use the item in the defendant's case-in-chief at trial.

See Fed. R. Crim. P. 16(b)(1)(A).

Response: The Defendant will produce contemporaneous herewith a CD, containing (1) the complete raw footage of a video of the mine complex, (2) a shorter, abridged version of the video of the mine complex that the Defendant intends to use at trial.

Request No. 2: Disclose for inspection, copying or photograph the results or reports of any physical or mental examination and of any scientific test or experiment if:

- i. the item is within the defendant's possession, custody, or control; and
- ii. the defendant intends to use the item in the defendant's case-in-chief at trial, or intends to call the witness who prepared the report and the report relates to the witness's testimony.

See Fed. R. Crim. P. 16(b)(1)(B).

Response: None at this time.

Request No. 3: Provide a written summary of any testimony that the defendant intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence as evidence at trial, if –

- i. the defendant requests disclosure under subdivision (a)(1)(G) and the government complies or
- ii. the defendant has given notice under Rule 12.2(b) of an intent to present expert testimony on the defendant's mental condition.

See Fed. R. Crim. P. 16(b)(1)(C).

Response: None at this time.

Respectfully submitted this 1st day of July, 2011.

STEPTOE & JOHNSON PLLC
Of Counsel

/s/ William D. Wilmoth
William D. Wilmoth, Esq. (WV Bar # 4075)
1233 Main Street, Suite 3000
P.O. Box 751
Wheeling, WV 26003

***Counsel for Defendant,
Hughie Elbert Stover***

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 5:11-cr-00038

HUGHIE ELBERT STOVER,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2011, I served the foregoing *Defendant's Response to the United States of America's Request for Reciprocal Discovery* upon all counsel of record, using the Court's CM/ECF filing system as follows:

Hon. R. Booth Goodwin, II
United States Attorney
Southern District of West Virginia
300 Virginia Street, East, Room 4000
Charleston, West Virginia 25301

Blaire L. Malkin, Esq.
Assistant United States Attorney
Southern District of West Virginia
300 Virginia Street, East, Room 4000
Charleston, West Virginia 25301

Steven R. Ruby, Esq.
Assistant United States Attorney
Southern District of West Virginia
300 Virginia Street, East, Room 4000
Charleston, West Virginia 25301

/s/ William D. Wilmoth